

### **REMARKS**

Claims 1, 4-9, 15-16, and 33-37 are pending, with claims 1, 15, 33, and 34 being independent. Claims 2-3, 10-14, and 17-32 have been cancelled. Claim 1, 15, 33, and 34 have been amended and claim 37 has been added. Support for the amendments is found in the specification, for example, in paragraph 0022. No new matter has been introduced.

### **Interview**

Applicants wish to thank Examiner Lastra for the courtesy extended during a telephonic interview on August 10, 2009 and September 3, 2009. This reply reflects the substance of the interview.

### **Rejection under 35 U.S.C. § 101**

Claims 1, 4-9, 15-16, and 35 stand rejected under 35 U.S.C. § 101. The Final Office Action notes:

**Claims 1, 4-9, 15-16, 35-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)).**

Claim 1 has been amended per the Examiner's suggestion and now recites, "accepting, on a computer server system ... ." Claim 15 has been amended and now recites, "pulling from circulation, on the advertisement server ... ." Accordingly, withdrawal of this rejection of claims 1 and 15 and their dependent claims is respectfully requested.

### **35 U.S.C. § 102(e) Rejections**

Claims 1, 4-9, 15-16, and 33-36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Goodman (US Patent Publication No. 2005/00221649). Applicants respectfully request reconsideration based on the amendments to the claims.

Claim 1 has been amended and now recites, *inter alia*, a computer-implemented method of reviewing advertisements. A set of advertisements is accepted on a computer server system

from an advertiser. The advertisements are reproducible on an advertisement server. It is determined if the advertiser is a trusted advertiser. In response to determining that the advertiser is a trusted advertiser, the advertisements in the set of advertisements are submitted for review using an automated review process. The automated review process comprises automatically approving or disapproving an advertisement based on the content of the advertisement. In response to a determination that the advertiser is not a trusted advertiser, a subset of the set of advertisements is selected. The subset of advertisements is submitted to be reviewed to a manual review process for approving or disapproving an advertisement based on the content of the advertisement. A trust score for the advertiser is determined using information based on the manual review of the subset of advertisements. If the trust score is greater than or equal to a threshold trust score, the advertisements in the set of advertisements not in the selected subset is submitted for review using the automated review process. If the trust score is less than the threshold trust score, the advertisements in the set of advertisements not in the selected subset are submitted to be reviewed using the manual review process and approved advertisements from the set of advertisements are allowed to be served by the advertisement server. Approved advertisements of the set are automatically transferred to the advertisement server if the trust score indicates that the advertiser is a trusted advertiser.

As noted in the previous response, Goodman teaches a system for detecting and eliminating spam by identifying spam senders. [0057]. An Internet Service Provider monitors outgoing messages from its senders by scoring the messages based in part on the messages content. [0057]. The total scores for a sender can be cumulated, and if the cumulated score exceeds a threshold, further action may be taken to determine if the sender is a spammer. [0057]. For example, Goodman indicates that the sender may be challenged with a security question before permitting the user to send additional electronic mail messages. [0058].

The Final Office responded by noting in paragraph [0110] that the electronic mail messages being sent may include advertising. Nevertheless, Applicant submits that Goodman's spam filtering system configured to filter outbound electronic mail messages represents a fundamentally different architecture than the claimed methods and system for "advertisements being reproducible on an advertisement server."

Applicants respectively submit that because Goodman is directed towards the transmission of outbound electronic mail messages and identifying suspicious accounts responsible for spam-sending behavior, and is not directed to advertisements being reproducible on an advertisement server, Goodman necessarily fails to describe limitations that recite operations involving advertisements. Rather, the messages in Goodman are only sent to a consumer's electronic mail messaging client. Goodman therefore fails to teach or suggest "accepting, on a computer server system, a set of advertisements from an advertiser, the advertisements being reproducible on an advertisement server ... and automatically transferring approved advertisements of the set to the advertisement server if the trust score indicates that the advertiser is a trusted advertiser," as required by amended independent claim 1.

Claims 15, 33, and 34 include similar limitations and are believed to be allowable for similar reasons. For example, claim 15 has been amended and now recites, "selecting a subset of a first ad group provided by a trusted advertiser, the advertisements being reproducible on an advertisement server ... and pulling from circulation, on the advertisement server, at least one ad in a second ad group received from the trusted advertiser if the trust score indicates that the trusted advertiser is no longer a trusted advertiser." Although this limitation is different from the limitation that is recited in claim 1, claim 15 is believed to be allowable for the reasons discussed above. Accordingly, Applicants respectively withdrawal of the rejection of claim 1 and its dependent claims.

### Conclusion

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Applicant submits that all claims are in condition for allowance.

The \$130 Extension of Time fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. No other fees are believed due. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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